

Appl. No. 09/437,833
Amdt. Dated 04/01/2005
Reply to Office action of 02/08/2005

REMARKS/ARGUMENTS

The applicants have received and reviewed the Official Action mailed by the Office on 02/08/2005, and respond as set forth below.

Independent claims 1, 8, 16, 25, 31, 44, and 49

Independent claims 1, 8, 16, 25, 31, 44, and 49 stand rejected under § 103 as being unpatentable over Castonguay in view of the "Security System" document. The applicants have amended independent claims 1, 8, 16, 25, 31, 44, and 49 as indicated above to recite further features not believed shown or suggested by Castonguay or the "Security System" document. These independent claims and the claims depending therefrom recite various aspects of the incentive capability of the applicants' invention. More particularly, the claims as amended above recite various aspects of providing an incentive to a second worker or employee to accept a portion of a first worker's work schedule. These aspects of the invention are described in the applicants' specification at least at page 21, lines 18-22, and page 22, lines 1-2, and are now recited in independent claims 1, 8, 16, 25, 31, 44, and 49.

The applicants submit that neither Castonguay nor the "Security System" document disclose or suggest at least the above aspects of the applicants' incentive capability. On page 35 of Examiner's Office action dated 02/08/2005, and in reference to claim 56, Examiner proposes that Castonguay renders the incentive capability of the present invention obvious in light of "Col. 4, line: "Overtime Type 2."

Applicants respectfully disagree that the "Overtime Type 2" reference has anything to do with an incentive offering. Rather, and according to Castonguay Col. 13, lines 66-67, and Col. 14, lines 30-33, the "Overtime Type 2" reference refers to "schedule activity codes [that] are preferably color-coded and represent the status of the agent." As such, Applicants respectfully suggest that a color-coded schedule activity code is in no way related to an incentive offering.

In contrast to Castonguay and the "Security System" document, currently amended independent claims 1, 8, 16, 25, 31, 44, and 49, advantageously describe, among other elements, an incentive to accept at least a portion of an employees work schedule. Such incentives include increasing a wage, time off at a later date, gifts, sign-up bonuses, etc.

Appl. No. 09/437,833
Amdt. Dated 04/01/2005
Reply to Office action of 02/08/2005

This "incentive" element is not disclosed or suggested in either Castonguay or the "Security System" document. Therefore, and at least on this basis, the applicants submit that Castonguay and the "Security System" document do not support a § 103 rejection of independent claims 1, 8, 16, 25, 31, 44, and 49 as they now stand, as well as all claims depending therefrom. On at least this basis, the applicants request reconsideration and withdrawal of the § 103 rejections of independent claims 1, 8, 16, 25, 31, 44, and 49 and all claims depending therefrom.

Favorable action on this response is requested at the earliest convenience of the Office.

Respectfully submitted,
WEST CORPORATION

Date: 04-01-2005

By: 

Raffi Gostanian
Reg. No. 42,595
Tel: (972) 849-1310



29129

PATENT & TRADEMARK OFFICE

11808 Miracle Hills Drive
Omaha, Nebraska 68154
(402) 965-7077